

April 29, 1977

LB 263A, 236

CLERK: The bill was discussed this morning. It is nothing more than an A bill and it failed to advance.

SENATOR SCHMIT: Yes, Mr. President, I move the bill be advanced. I am sorry Senator DeCamp wasn't here this morning. I wasn't alert and so I would ask the bill be advanced.

SPEAKER LUEDTKE: All right. Any further discussion. Senator Keyes, you didn't wish to speak to this, did you? Senator Simon, you didn't wish to speak to this, did you? Will somebody turn Senator Simon's light off. He had it on on the other bill. All right. All those in favor, then, of advancing LB 263A to E & R Initial vote aye, opposed nay. 263A. The A bill on LB 263. It was just placed in your books yesterday. Have you all voted? Senator Schmit. Record the vote.

CLERK: 26 ayes, 1 nay on the motion to advance.

SPEAKER LUEDTKE: LB 263A is advanced to E & R Initial.

CLERK: A motion on the desk, Mr. President.

SPEAKER LUEDTKE: Read the motion.

CLERK: Mr. President, I move to take up LB 236 now. Signed Senator Mills.

SPEAKER LUEDTKE: The Chair recognizes Senator Mills.

SENATOR MILLS: Mr. President, members of the Legislature, 236 is the bill that Senator Kremer spoke to you in his message to Mr. Brown that as the first part of LB 139. This was stripped from 139 because of the question of constitutionality that could arise if 131 was subsequently passed by the committee and the Legislature, and even if it is signed by the Governor. There was an air of constitutionality because of the two different subject matters contained in 139. So we stripped in committee a bill, 236, inserted the language from the first part of 139 and sent those two forward to be discussed together. Now Senator Kremer is not here and I know that we had a number of Senators in the Public Works Committee. I circulated to you a letter written to me by the County Officials Association relating to us that they would, in fact, support LB 139 as it was written or with two different parts, two different bills, the first part being stricken as which we put it in 236 and the gas tax in 139. I think it is only fair to discuss this particular bill at this time because the way the committee did it, the way the committee saw the importance of Senator Maresh's long sought philosophy of gas tax and because of the situation the way LB 139 was written. As I mentioned to you earlier, when the past State Engineer, Mr. Doyle, testified to the Public Works Committee, he said it would be his recommendation to the Governor to veto the bill if the language was not contained in 139 as it is now contained in 236. So we thought it would be a good situation to discuss both of these at one time, being fair and alert that this situation could exist. I realize Mr. Doyle is no longer with the Department of Roads but that same philosophy may still exist in the department. I would ask you to give us 25 votes, that is the Public Works Committee, to speak to 236.

03710